

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office MAR 30 1979
Returned to applicant for correction SEP 10 1979
Corrected application filed OCT 26 1979
Map filed DEC 14 1979

The applicant Michael L. Berk
910 Taylor, of Sunnyside
Washington 98944
State and Zip Code No.

hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.)

1. The source of the proposed appropriation is underground source
Name of stream, lake or other source.

2. The amount of water applied for is 6.4 cfs second-foot
One second-foot equals 448.83 gals. per min.

(a) If stored in reservoir give number of acre-feet acre-feet

3. The water to be used for Irrigation and Domestic purposes
Irrigation, power, mining, manufacturing, domestic, or other use.

4. If use is for:

(a) Irrigation (state number of acres to be irrigated) 320 acres

(b) Stockwater (state number and kinds of animals to be watered)

(c) Other use (describe fully under "No. 12. Remarks")

(d) Power:

(1) Horsepower developed 150 hp

(2) Point of return of water to stream

5. The water is to be diverted from its source at the following point: within the NE 1/4 NE 1/4 of section 22, T.16S., R.49E., MDB&M, Nye County, Nevada, or at a point from which the NE corner of said section 22 bears North 45°00' East
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land, a distance of 285.00 feet it should be stated.

6. Place of use East Half (E 1/2) of section 22, Township 16 South, Range 49 East, MDB&M, Nye County, Nevada
Describe by legal subdivision, if on unsurveyed land it should be so stated.

7. Use will begin about Jan. 1 and end about Dec. 31, of each year.
Day and Month Day and Month

8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) Land to irrigate has been applied for under Desert Land Entry App. pending action of BLM. A well and sprinkler system will be installed.
State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits.

- 9. Estimated cost of works..... \$105,000.00
- 10. Estimated time required to construct works..... 4 years
- 11. Estimated time required to complete the application to beneficial use..... 4 years
- 12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

This application supports a Desert Land Entry Application

Applicant s/ Michael L. Berk

By s/ Richard J. Baughman
 Richard J. Baughman
 2325 W. Charleston Blvd.
 Las Vegas, NV 89102

Compared lp/ga br/bl

DENIAL OF STATE ENGINEER

deny

This is to certify that I have examined the foregoing application, and do hereby ~~grant~~ deny the same, subject to the following limitations and conditions:

This application is denied on the grounds that the appropriation of underground water for irrigation purposes, as applied for, would conflict with and tend to impair the value of existing rights and be detrimental to the public interest and welfare.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed..... cubic feet per second.....

Actual construction work shall begin on or before.....

Proof of commencement of work shall be filed before.....

Work must be prosecuted with reasonable diligence and be completed on or before.....

Proof of completion of work shall be filed before.....

Application of water to beneficial use shall be made on or before.....

Proof of the application of water to beneficial use shall be filed on or before.....

Map in support of proof of beneficial use shall be filed on or before.....

Commencement of work filed.....
 Completion of work filed.....
 Proof of beneficial use filed.....
 Cultural map filed.....
 Certificate No..... Issued.....
 Recorded..... Bk..... Page.....
 County Recorder

IN TESTIMONY WHEREOF, I, PETER G. MORROS
 State Engineer of Nevada, have hereunto set my hand and the seal of
 my office, this 15th day of DECEMBER

A.D. 19 82

[Signature]
 State Engineer

SEE REMAND RULING # 3726: 7/13/90